IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 4TH DECEMBER 2007 / 13TH AGRAHAYANA 1929

Bail Appl..No. 7411 of 2007()

AGAINST THE JUDGEMENT/ORDER IN BA.2012/2007 Dated 03/04/2007
CRIME NO.347/2005 OF KOLLAM WEST POLICE STATION

.....

: PETITIONERS/2ND AND 4TH ACCUSED

---

1. PRASAD J., AGED 54, S/O. JANARDHANAN,
SREE SANKARA SADHANAM, PERINADU P.O., KOLLAM.
(LAB TECHNICIAN, (UNDER SUSPENSION), KOLLAM DIARY).

2. K.SASIDHARAN, AGED 52, S/O. N.KRISHNAN,
KRISHNA SYLAM, KATTANAM, PALLICKAL P.O.,
ALAPPUZHA.
(JUNIOR SUPERINTENDENT, UNDER SUSPENSION), KOLLAM DIARY).

BY ADV. SRI.S.SUNIL NARAYANAN

RESPONDENTS: COMPLAINANTS

---

1. STATE OF KERALA, REPRESENTED BY
THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM.

2. THE SUB INSPECTOR OF POLICE,
KOLLAM WEST POLICE STATION, KOLLAM.

BY PUBLIC PROSECUTOR SRI.JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 04/12/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J.

B.A.No.7411 of 2007

Dated this the 4th day of December 2007

O R D E R

Application for anticipatory bail. The petitioners are accused 2 and 4. They are employees of the Milma Diary. They face allegations of having committed offences punishable inter alia under Sections 408 and 420 I.P.C. The crux of the allegations is that the records of the Milma were manipulated to siphon out funds of the Milma to undeserved hands. Crime has been registered. Investigation is in progress. In a Vigilance enquiry, the criminal misconduct was identified and a later complaint was filed. Investigation is in progress. The petitioners apprehend imminent arrest. Some of the co-accused had come to this court earlier seeking anticipatory bail. Their application was dismissed subject to observations as per order dated 3/4/2007 in B.A.No.2012/2007.

2. The learned counsel for the petitioners submits that the petitioners are innocent. It is prayed that directions under Section 438 Cr.P.C may be issued in favour of the petitioner.

3. The learned Public Prosecutor opposes the application. Like the co-accused, they may also be directed to

surrender before the investigating officer or the learned Magistrate and then seek regular bail in the ordinary course, submits the learned Public Prosecutor.

4. Having considered all the relevant inputs, I find merit in the opposition by the learned Public Prosecutor. I am satisfied that there are no features in this case which would justify invocation of the extraordinary equitable discretion under Section 438 Cr.P.C. This, I agree with the learned Public Prosecutor, is a fit case where the petitioners must appear before the investigating officer or the learned Magistrate having jurisdiction and then seek regular bail in the normal and ordinary course.

5. In the result, this petition is dismissed. Needless to say, if the petitioners surrender before the investigating officer or the learned Magistrate and apply for bail, after giving sufficient prior notice to the Prosecutor in charge of the case, the learned Magistrate must proceed to pass appropriate orders on merits, in accordance with law and expeditiously.

(R.BASANT, JUDGE)

jsr // True Copy// PA to Judge

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007